IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

OP.No. 4135 of 2002(P)

PETITIONER:

THE KRIRALI CO-OPERATIVE HOUSING SOCIETY LTD., A SOCIETY REGISTERED UNDER THE KERALA CO-OPERATIVE SOCIETIES ACT, REGISTRATION NO.4354,SECTOR 6,SOUTH END OF PANAMPILLY NAGAR, COCHIN-682 036, REPRESENTED BY ITS SECRETARY, MR.GEORGE P.KORAH.

BY ADV. SRI.A.M.SHAFFIQUE
SRI.E.K.NANDAKUMAR
SMT.PRIYA MAHESH
SMT.PRIYA MANJOORAN

RESPONDENTS:
---

1. KERALA STATE ELECTRICITY BOARD, VYDHUTHI BHAVAN, PATTOM, TRIVANDRUM, REPRESENTED BY ITS SECRETARY.

2. CHIEF ENGINEER, KERALA STATE ELECTRICITY BOARD, VYDHUDHI BHAVAN, PATTOM, TRIVANDRUM.

3. THE ASST.EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD, GIRI NAGAR ELECTRICAL MAJOR SECTION, TEMPLE ROAD, KADAVANTHARA, COCHIN-682 020.

BY ADV. SRI.P.SANTHALINGAM, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P NO. 7435/2002 IN O.P. NO. 4135/2002

DISMISSED

21.06.2007 SD/- KURIAN JOSEPH, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE BILL DATED 26.05.2001 ALONG WITH THE ORDER ISSUED BY THE 3RD RESPONDENT.

EXT.P2: TRUE COPY OF THE ORDER DATED 11.06.2001 ISSUED BY THE 3RD RESPONDENT.

EXT.P3: TRUE COPY OF THE LETTER DATED 05.07.2001 ALONG WITH THE ORDER ISSUED BY THE 2ND RESPONDENT.

EXT.P4: TRUE COPY OF THE LETTER DATED 14.09.2001 ISSUED TO THE 2ND RESPONDENT.

EXT.P5: TRUE COPY OF THE LETTER DATED 26.09.2001 SENT TO THE 3RD RESPONDENT.

EXT.P6: TRUE COPY OF THE BILL DATED 15.10.2001 ISSUED BY THE BOARD.

EXT.P7: TRUE COPY OF THE BILL DATED 15.11.2001 ISSUED BY THE BOARD.

EXT.P8: TRUE COPY OF THE BILL DATED 15.12.2001 ISSUED BY THE BOARD.

EXT.P9: TRUE COPY OF THE NOTIFICATION B.O. NO. 2407/2000 (PLG. COM 4355/2001) DATED 07.12.2001 ISSUED BY THE BOARD.

EXT.P10: TRUE COPY OF THE LETTER DATED 01.01.2002 ALONG WITH STATEMENT OF PAYMENTS SENT A DETAILED NTE TO THE 3RD RESPONDENT.

EXT.P11: TRUE COPY OF THE LETTER DATED 09.01.2002 ISSUED BY THE 3RD RESPONDENT.

EXT.P12: TRUE COPY OF THE BILL DATED 15.01.2002 ISSUED BY THE BOARD.

EXT.P13: TRUE COPY OF THE LETTER DATED 18.01.2002 SENT TO THE 3RD RESPONDENT.

EXT.P14: TRUE COPY OF THE DEMAND NOTICE DATED 22.01.2002 ISSUED BY THE 3RD RESPONDENT.

KURIAN JOSEPH , J

==========

O.P. NO. 4135 OF 2002

==========

Dated this the 21st day of June, 2007.

JUDGMENT

The petitioner is aggrieved since they are not granted benefits of Ext.P9 notification in the matter of domestic tariff in respect of the consumption in the common area of the multi storied building. There is no dispute that the area covered by the common area is less than 5 per cent and that is clear from the subsequent bills issued to the petitioner whereby domestic tariff has been applied for the common area also. I quash the impugned proceedings with a direction to the 2nd respondent to issue revised bills by applying the direction in Ext.P9 and under domestic tariff to the common area in respect of the disputed period covered by the impugned bills.

KURIAN JOSEPH, JUDGE.

rv